

FILED
UNITED STATES DISTRICT COURT OFFICE
DISTRICT OF MASSACHUSETTS

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CLERK OF COURT
DISTRICT OF MASS

GEORGE LOGUE,

Plaintiff,

v.

Case No.: 04-11779-RCL

**EXPERIAN INFORMATION
SOLUTIONS, INC.,**

Defendant.

**ANSWER AND AFFIRMATIVE DEFENSES OF EXPERIAN INFORMATION
SOLUTIONS, INC.**

NOW COMES defendant Experian Information Solutions, Inc., erroneously sued as Experian, Inc. ("Experian"), by its undersigned counsel, Jones Day, and in answer to the Complaint, states as follows:

All allegations, declarations, claims or assertions of Plaintiff's Complaint that are not specifically admitted are denied.

PARTIES

1. In response to paragraph 1 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.
2. In response to paragraph 2 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein, except admits that it is a consumer reporting

agency as defined by 15 U.S.C. § 1681a(f), and states that it is an Ohio corporation, with its principal place of business in Costa Mesa, California, and that it is qualified to do business and does conduct business within the State of Massachusetts.

3. In response to paragraph 3 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein, except admits that it maintains a corporate office located at 475 Anton Boulevard, Costa Mesa, California 92626-7036.
4. In response to paragraph 4 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein.

JURISDICTION

5. In response to paragraph 5 of the Complaint, Experian admits that Plaintiff purports to bring this action pursuant to 15 U.S.C. § 1681 *et seq.* and states that this is a legal conclusion to which no response is required.

FACTUAL ALLEGATIONS

6. In response to paragraph 6 of the Complaint, Experian is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, on that basis, denies, generally and specifically, each and every allegation contained therein.
7. In response to paragraph 7 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein.
8. In response to paragraph 8 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein.

FIRST AFFIRMATIVE DEFENSE

(FAILURE TO STATE A CLAIM)

The Complaint herein, and each cause of action thereof, fails to set forth facts sufficient to state a claim upon which relief may be granted against Experian and further fails to state facts sufficient to entitle Plaintiff to the relief sought, or to any other relief whatsoever from Experian.

SECOND AFFIRMATIVE DEFENSE

(IMMUNITY)

All claims against Experian are barred by the qualified immunity of 15 U.S.C. § 1681h(e).

THIRD AFFIRMATIVE DEFENSE

(TRUTH/ACCURACY OF INFORMATION)

All claims against Experian are barred because all information Experian communicated to any third person regarding Plaintiff was true.

FOURTH AFFIRMATIVE DEFENSE

(INDEMNIFICATION)

Experian is informed and believes and thereon alleges that any purported damages allegedly suffered by Plaintiff are the results of the acts or omissions of third persons over whom Experian had neither control nor responsibility.

FIFTH AFFIRMATIVE DEFENSE

(FAILURE TO MITIGATE DAMAGES)

Plaintiff has failed to mitigate his damages.

SIXTH AFFIRMATIVE DEFENSE

(LACHES)

The Complaint and each claim for relief therein is barred by laches.

SEVENTH AFFIRMATIVE DEFENSE

(CONTRIBUTORY/COMPARATIVE FAULT)

Experian is informed and believes and thereon alleges that any alleged damages sustained by Plaintiff were, at least in part, caused by the actions of Plaintiff himself and resulted from Plaintiff's own negligence which equaled or exceeded any alleged negligence or wrongdoing by Experian.

EIGHTH AFFIRMATIVE DEFENSE

(ESTOPPEL)

Any damages which Plaintiff may have suffered, which Experian continues to deny, were the direct and proximate result of the conduct of Plaintiff. Therefore, Plaintiff is estopped and barred from recovery of any damages.

NINTH AFFIRMATIVE DEFENSE

(STATUTE OF LIMITATIONS)

Experian is informed and believes and thereon alleges that all claims for relief in the Complaint are barred by the applicable statutes of limitation, including but not limited to 15 U.S.C. § 1681p.

TENTH AFFIRMATIVE DEFENSE

(UNCLEAN HANDS)

The Complaint, and each claim for relief therein that seeks equitable relief, is barred by the doctrine of unclean hands.

ELEVENTH AFFIRMATIVE DEFENSE

(PRIVILEGE)

All claims against Experian are barred because Experian communicated all information in the bona fide performance of a duty or interest to persons with a corresponding duty or interest.

TWELFTH AFFIRMATIVE DEFENSE

(RIGHT TO ASSERT ADDITIONAL DEFENSES)

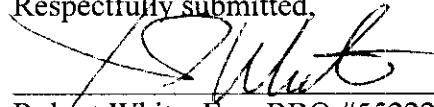
Experian reserves the right to assert additional affirmative defenses as such time and to such extent as warranted by discovery and the factual developments in this case.

WHEREFORE, Defendant Experian Information Solutions, Inc. prays as follows:

- (1) That Plaintiff take nothing by virtue of the Complaint herein and that this action be dismissed in its entirety;
- (2) For costs of suit and attorneys' fees herein incurred; and
- (3) For such other and further relief as the Court may deem just and proper.

Dated: November 23, 2004

Respectfully submitted,



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- and-

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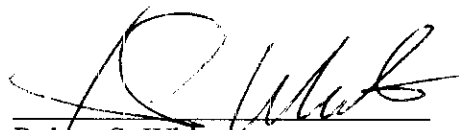
Counsel for Defendant
EXPERIAN INFORMATION SOLUTIONS, INC.

CERTIFICATE OF SERVICE

I, Robert S. White, hereby certify that on November 23, 2004, a true and correct copy of
DEFENDANT EXPERIAN INFORMATION SOLUTION, INC.'S ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT was sent via regular mail to:

Mr. George Logue
General Delivery
Boston, MA 02205

Plaintiff Pro Se


Robert S. White